

House Bill 308

By: Representatives Powell of the 29th, Rice of the 51st, Millar of the 79th, Smith of the 129th,
and Dodson of the 75th

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting Children's Healthcare of Atlanta; to provide for issuance, renewal, fees, licensing agreements, applications, donation of revenue, and transfers relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by adding a new Code Section 40-2-86.10 to read as follows:

"40-2-86.10.

(a) There shall be issued beginning January 1, 2007, special license plates promoting Children's Healthcare of Atlanta and recognizing the work this pediatric hospital system does for the State of Georgia, subject to the conditions set forth in this Code section.

(b) The commissioner, in cooperation with Children's Healthcare of Atlanta, shall design special distinctive license plates appropriate to promote Children's Healthcare of Atlanta. The license plates must be of the same size as general issue motor vehicle license plates and shall include a unique design and identifying number, whereby the total number of characters does not exceed six. No two recipients shall receive identically numbered plates. The graphic on the special license plate shall be placed to the left of the alphanumeric characters and shall be no larger than three inches by three inches. Children's Healthcare of Atlanta may request the assignment of the first of 100 in a series of license plates upon payment of an additional initial registration fee of \$25.00 for each license plate requested.

(c) Notwithstanding the provisions of subsection (b) of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to implement this Code section. The design of the initial edition of Children's Healthcare of Atlanta license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

(d) Beginning in calendar year 2007, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle registration fee shall be issued a Children's Healthcare of Atlanta license plate. Revalidation decals shall be issued for Children's Healthcare of Atlanta license plates in the same manner as provided for general issue license plates.

(e) The manufacturing fee derived from the sale of Children's Healthcare of Atlanta license plates shall be apportioned as follows: \$2.00 to the department, \$13.00 to be deposited into the general fund, and \$10.00 to be donated to Children's Healthcare of Atlanta as provided by Article III, Section IX, Paragraph VI(n) of the Constitution.

(f) Before the department disburses to Children's Healthcare of Atlanta funds from the sale of special license plates, Children's Healthcare of Atlanta must provide a written statement stating the manner in which such funds shall be utilized. The purposes for which the funds shall be utilized must be the same as those specified in the constitutional amendment authorizing the dedication to Children's Healthcare of Atlanta of revenue from the sale of special license plates. Children's Healthcare of Atlanta shall periodically provide to the commissioner an audit of the use of the funds or other evidence of use of the funds satisfactory to the commissioner. If it is demonstrated that the funds are not being used for the purposes set forth in the statement provided by Children's Healthcare of Atlanta, the department shall withhold payment of such funds until such noncompliance issues are resolved.

(g) An applicant may request a Children's Healthcare of Atlanta license plate any time during the applicant's registration period. If such a license plate is to replace a current

1 valid license plate, the Children's Healthcare of Atlanta license plate shall be issued with
2 appropriate decals attached.

3 (h) No special license plate authorized pursuant to this Code section shall be issued except
4 upon the receipt by the department of at least 1,000 applications. The special license plate
5 shall have an application period of two years after January 1, 2007, for payment of the
6 manufacturing fee. After such time if the minimum number of applications is not met, the
7 department shall not continue to accept the manufacturing fee, and all fees shall be
8 refunded to applicants.

9 (i) The department shall not be required to continue to manufacture the special license
10 plate if the number of active registrations falls below 500 registrations at any time during
11 the five-year period as provided in subsection (b) of Code Section 40-2-31. A current
12 registrant may continue to renew such special license plate during his or her annual
13 registration period upon payment of an additional \$25.00 annual special tag fee, which fee
14 shall be collected by the county tag agent at the time of collection of other registration fees
15 and shall be remitted to the state as provided in Code Section 40-2-34. The department
16 may continue to issue such special license plates that it has in its inventory to assist in
17 achieving the minimum number of registrations. If the special license plate falls below 500
18 active registrations at any time during the five-year period as provided in subsection (b) of
19 Code Section 40-2-31, Children's Healthcare of Atlanta shall be required again to obtain
20 1,000 applications accompanied by the manufacturing fee to continue to manufacture the
21 special license plate.

22 (j) Children's Healthcare of Atlanta license plates shall be transferred from one vehicle to
23 another vehicle in accordance with the provisions of Code Section 40-2-80.

24 (k) Children's Healthcare of Atlanta license plates shall be issued within 30 days of
25 application once the requirements of this Code section have been met."

26 SECTION 2.

27 (a) This Act shall become effective on January 1, 2007, except as otherwise provided in
28 subsection (b) of this section.

29 (b) If an amendment to the Constitution of the State of Georgia authorizing the donation of
30 revenue from sales of special license plates to Children's Healthcare of Atlanta is not ratified
31 at the general election in 2006, this Act shall be repealed in its entirety on January 1, 2007,
32 and no such motor vehicle license plates shall be issued pursuant to this Act.

33 SECTION 3.

34 All laws and parts of laws in conflict with this Act are repealed.